



2026:DHC:7206



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Reserved on : 12.08.2026
Pronounced on : 25.08.2026
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+ **FAO 4/2024**

SEEMA & ORS.

.....Appellants

Through: Mr. Rajan Sood, Ms. Ashima
Sood and Ms. Megha Sood,
Advocates

versus

UNION OF INDIA

.....Respondent

Through: Mr. Jivesh Kumar Tiwari,
CGSC with Ms. Nandini
Aggarwal and Ms. Samiksha,
Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the judgment dated 27.07.2023 passed by the Railway Claims Tribunal, Principal Bench, Delhi (hereinafter referred to as the "Tribunal") in Claim Application No. OA/II(u)/08/2023.

2. Briefly stated, as per the case set up by the appellants before the Tribunal, one *Kishore* (hereinafter referred to as the "deceased") was working at SGL Private Limited, *Faridabad* and used to perform night duties. It was pleaded that on 26.05.2022, after completing his night



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duty, he was returning home from New Town *Faridabad* to *Faridabad* by a local passenger train. According to the appellants, owing to heavy rush, he was standing near the gate of the compartment and while the train was between New Town *Faridabad* and *Faridabad*, the deceased accidentally fell from the running train and sustained fatal injuries, to which he subsequently succumbed. It was further averred that the deceased was identified through his photographs and clothes.

3. Learned counsel for the appellants contended that the deceased was a *bona fide* passenger and that non-recovery of the journey ticket could not defeat the claim, particularly when the deceased had died in the alleged accident. Reliance in this regard was placed on the decision of the Supreme Court in “*Union of India v. Rina Devi*”¹. It was further submitted that the deceased had accidentally fallen from the running train and, therefore, the incident constituted an “untoward incident” within the meaning of Section 123(c)(2) of the Railways Act, 1989 (hereinafter referred to as the “Act”).

4. Learned counsel for the respondent, on the other hand, submitted that the appellants had failed to establish that the deceased was travelling as a *bona fide* passenger. It was submitted that no ticket or pass was recovered from the deceased and that the evidence of appellant No.1/Smt. *Seema*, does not establish that the deceased had boarded any passenger train. It was further submitted that the contemporaneous railway record shows that no passenger train had operated on the fourth line, outside which the dead body was found, during the relevant period.

¹ (2019) 3 SCC 572



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5. It is, though, well settled that mere non-recovery of a journey ticket, by itself, cannot be treated as conclusive against the claimant, however, the initial burden of establishing that the deceased was travelling as a passenger has to be discharged from the evidence and attending circumstances of the case. In the present case, the reliance placed on Rina Devi(supra) is wholly misplaced as the initial burden has itself not been discharged.

A perusal of her statement before the Tribunal shows in her affidavit by way of evidence, Smt. *Seema*/AW-1 stated that on 26.05.2022, the deceased was returning from New Town *Faridabad* to *Faridabad* after completing his duty, and boarded a local train. However, in her cross-examination, she categorically stated that she had “not seen her husband purchasing the ticket” and had “not seen him boarding the train”. She also stated that she “did not witness him falling from the train”. Thus, while AW-1 has deposed about the deceased having travelled by train, her own testimony makes it clear that she had “not personally witnessed” the deceased purchasing the ticket or boarding the train on the relevant date. This testimony assumes significance particularly when no ticket or pass was recovered from the deceased during the *jamatalashi* and the record does not disclose any independent evidence establishing that the deceased had boarded the alleged passenger train. The mere assertion of AW-1 regarding the deceased’s travel, without any supporting contemporaneous material, cannot by itself discharge the initial burden of establishing his status as a *bona fide* passenger.



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6. Coming next to the alleged “untoward incident”, the dead body was found on 26.05.2022 outside the track of the fourth line and information in this regard was received by the GRP at about 11:10 a.m. On examination of the TSR register of New *Faridabad* Railway Station, the railway authorities recorded that no passenger train had operated on the said line from 24.05.2022 till 12:22 p.m. on 26.05.2022. The investigation further records that, on conducting *jamatalashi* of the deceased at the spot, no railway ticket/pass was recovered. Thus, the contemporaneous railway record does not support the appellants’ specific case that the deceased had fallen from a passenger train at the relevant place and time.

7. Additionally, the surrounding circumstances also do not furnish any missing link in the appellants’ version. The deceased’s body was recovered on 26.05.2022, whereas, as per the record relied upon by the appellants, the FIR concerning his being missing was registered only on 31.05.2022, and the family identified the dead body only on 06.06.2022 through photographs and clothes. The subsequent identification establishes the identity of the deceased, but does not establish how he reached the railway track. In these circumstances, particularly when the TSR does not record the operation of any passenger train on the relevant line during the material period, the pleaded case of an accidental fall from a passenger train cannot be accepted merely because the deceased was found near the railway track.

8. On an overall consideration of the evidence, this Court finds that the appellant has failed to establish the foundational requirement of



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being a *bonafide* passenger and that the death resulted from an accidental fall from a passenger train so as to constitute an “untoward incident” within the meaning of the Act.

9. Accordingly, in light of the reasoning given in the impugned order and the submissions put forth, I do not find force in the merits of the contentions and hence, there is no reason to interfere with the impugned order.

10. Accordingly, the present appeal is dismissed.

(MANOJ KUMAR OHRI)
JUDGE

AUGUST 25, 2026

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